REMARKS

Summary of Office Action

Claims 45-77 are pending in this application.

The Examiner rejected claims 63-77 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as their invention.

The Examiner rejected claims 45-77 under 35 U.S.C. § 101 because the language of the claims raises a question as to whether the claims are directed to statutory subject matter.

Claims 45-48, 52, 53, 58, and 62 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang et al. U.S. Patent No. 6,593,936 (hereinafter "Huang") in view of Baru et al. U.S. Patent No. 7,028,252 (hereinafter "Baru").

Dependent claims 49 and 59 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru and further in view of Sezan et al. U.S. Patent No. 6,236,395 (hereinafter "Sezan").

Dependent claims 50 and 60 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru and further in view of Foreman et al. U.S. Patent No. 6,628,303 (hereinafter "Foreman").

Dependent claims 51 and 61 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru and further in view of Reimer et al. U.S. Patent No. 6,065,042 (hereinafter "Reimer").

Claims 54, 55, and 57 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery et al. U.S. Patent No. 6,380,950 (hereinafter

"Montgomery") and Jacobs et al. U.S. Patent Application Publication No. 2004/0249708 (hereinafter "Jacobs").

Dependent claim 56 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery and Jacobs and further in view of Baru.

Claims 63-65 and 67-71 were rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru.

Claims 63, 64, 67-69, and 71 were rejected under 35 U.S.C. § 103(a) as being obvious from Sheth et al. U.S. Patent No. 6,311,194 (hereinafter "Sheth") in view of Baru.

Dependent claims 65 and 70 were rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and further in view of Sezan.

Dependent claim 66 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and further in view of Foreman. Claim 66 was also rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and further in view of Foreman.

Claims 72, 73, and 76 were rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery.

Claims 72-74 and 76 were rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and Montgomery.

Dependent claim 74 was also rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery and further in view of Sezan.

Dependent claim 75 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and Montgomery and further in view of Foreman. Claim 75 was also

rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery and further in view of Foreman.

Dependent claim 77 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and Montgomery and further in view of Reimer. Claim 77 was also rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery and further in view of Reimer.

Summary of Applicants' Reply

Applicants have amended independent claims 45, 54, 58, 63, 68, and 72 to more precisely define the invention.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 63-77 Under 35 U.S.C. § 112

Claims 63-77 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as their invention.

These rejections are respectfully traversed.

The Examiner said the "phrase 'the database records … conforming to the DTD' … is being indefinite because the database records are data, which can conform to the DTD" (page 2, February 16, 2007 Office Action).

Independent claims 63, 68, and 72 have been amended to recite that the format of the database records conform to the DTD. Thus, these claims should no longer be indefinite.

Accordingly, applicants respectfully request that the rejections of claims 63-77 under 35 U.S.C. §112, second paragraph, be withdrawn.

The Rejection of Claims 45-77 Under 35 U.S.C. § 101

Claims 45-77 were rejected under 35 U.S.C. § 101 because the Examiner said "the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101."

These rejections are respectfully traversed.

Independent claims 45, 54, 58, 63, 68, and 72 have been amended to recite that the DTD identifies to a data processing system or a central processing unit the declared elements and the declared element's relative locations within database records to enable the data processing system or central processing unit to process storage, retrieval, search, and tracking requests pertaining to a digital asset.

These amended claims are now plainly directed to useful articles of manufacture and apparatus and, therefore, the subject matter of amended independent claims 45, 54, 58, 63, 68, and 72 and dependent claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 should be statutory.

Accordingly, applicants respectfully request that the rejections of claims 45-77 under 35 U.S.C. § 101 be withdrawn.

<u>The Rejections of Independent Claims Under 35 U.S.C. § 103(a)</u>

Independent claims 45 and 58 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Baru.

Independent claim 54 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery and Jacobs.

Independent claims 63 and 68 were rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Baru and from Sheth in view of Baru.

Independent claim 72 was rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Baru and Montgomery and from Sezan in view of Baru and Montgomery.

These rejections are respectfully traversed.

Huang is limited to descriptions of synthetic audiovisual content, which Huang describes as "graphics and animation" (*id.* at column 2, line 58) and "sound generated via a model on a computer or computerized synthesizer" (*id.* at lines 63-65). Huang excludes video recordings, which it considers "'natural' representations" (*id.* at line 57), and audio recordings, which it considers "natural representations of 'natural' sound" (*id.* at lines 60-61).

Baru is purportedly directed to the storing or transporting of <u>identical information</u> in different multi-media forms.

Montgomery is directed to "production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 8-10). Montgomery does not in any way teach or suggest DTDs, much less a DTD as defined in applicants' claims 54 or 58.

The only disclosure of a DTD in Sezan is in an XML example of its description schemes, beginning in column 14, line 53. The reference is to an external DTD file entitled "mpeg-7.dtd" (*see, e.g., id.* at line 54) -- the content of which is not disclosed.

And Sheth does not in any way teach or suggest a DTD having declared elements and attributes for more than one type of asset as defined by applicants.

Applicants respectfully submit that none of the cited references provides any teaching, suggestion, or motivation for being combined with the other references, and that even if combined, would not result in applicants' invention as claimed.

Applicants further respectfully submit that the Examiner is using impermissible hindsight to combine those references. That is, the Examiner is using applicants' own teachings as a "road map" to pick and choose features from the prior art to reconstruct applicants' invention. This renders the obviousness rejections improper.

Accordingly, applicants respectfully request that the rejections of claims 45, 54, 58, 63, 68, and 72 under 35 U.S.C. § 103(a) be withdrawn.

<u>The Rejections of Dependent Claims Under 35 U.S.C. § 103(a)</u>

Dependent claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 were rejected under 35 U.S.C. § 103(a) as being obvious from combinations of various cited references (*see, supra,* Summary of Office Action).

These rejections are respectfully traversed.

For at least the reasons discussed above with respect to independent claims 45, 54, 58, 63, 68, and 72, from which the dependent claims depend directly or indirectly, these

dependent claims are not obvious from the cited combinations of references (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 46-53, 55-57, 59-62, 64-67, 69-71, and 73-77 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 45-77 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

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